

FILED

UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

UNITED STATES DISTRICT COURT
OF THE 10th CIRCUIT IN NEW MEXICO

MITCHELL R. ELPERS

DATE: CLERK

UNITED STATES OF AMERICA
(PLAINTIFF)

VS.

CASE # 1:19-CR-77-JB

MICHAEL J. NISSEN
(DEFENDANT)

MOTION FOR LEAVE TO AMEND BY ADDENDUM

GREETINGS,

NOW COMES THE DEFENDANT, MICHAEL J. NISSEN,
HEREINAFTER IN THE ABOVE ENTITLED ACTION, RESPECTFULLY
MOVES THE HONORABLE COURT ON A MOTION FOR LEAVE
TO AMEND BY ADDENDUM.

THE DEFENDANT WISHES TO SEEK AN ADDENDUM
TO DEFENDANTS DECLARATION IN SUPPORT OF MOTIONS
TO DISMISS ET AL... ON PAGE FOUR LINE SEVENTEEN
OF DECLARATION, DEFENDANT WISHES TO INSERT,
[4 U.S.C. § 116 - 126] "MOBILE TELECOMMUNICATIONS
SOURCING ACT" DEFINITION AS FOLLOWS: "PRIMARY
USE IS IN NEW MEXICO IF; 1) THE MOBILE
TELECOMMUNICATIONS SERVICES ORIGINATE,

1 AND TERMINATE IN THE SAME STATE, REGARDLESS, OF
2 WHERE THE SERVICE ORIGINATE, TERMINATE, OR PASS
3 THROUGH, "HOME SERVICE PROVIDER," "MOBILE
4 TELECOMMUNICATIONS SERVICES," "CUSTOMER," AND
5 "PLACE OF PRIMARY USE," HAVE THE MEANING GIVEN
6 IN THE FEDERAL "MOBILE TELECOMMUNICATIONS
7 SOURCING ACT," SECTION [4 U.S.C. § 125], "IF A
8 COURT OF COMPETENT JURISDICTION ENTERS A
9 FINAL JUDGEMENT ON THE MERITS THAT, 1) ARE
10 BASED ON FEDERAL LAW, AND 2) IS NO LONGER
11 SUBJECT TO APPEAL; AND 3) SUBSTANTIALLY LIMITS
12 OR IMPAIRS THE ESSENTIAL ELEMENTS OF
13 SECTION 116 THROUGH 126 OF THIS TITLE, THEN
14 SECTION 116 THROUGH 126 OF THIS TITLE ARE
15 INVALID AND HAVE NO LEGAL EFFECT AS OF
16 THE DATE OF ENTRY OF SUCH JUDGEMENT."

17 IN CONTINUENCE TO [47 U.S.C. § 153]
18 "COMMON CARRIERS," OR CARRIER MEANS ANY PERSON
19 ENGAGED AS A COMMON CARRIER FOR HIRE,
20 IN "INTERSTATE" OR "FOREIGN" COMMUNICATION
21 BY WIRE OR RADIO OR "INTERSTATE" OR "FOREIGN"
22 RADIO TRANSMISSION OF ENERGY, EXCEPT WHERE
23 REFERENCE IS MADE TO COMMON CARRIER NOT
24 SUBJECT TO THIS CHAPTER IN TITLE 11 OF THE
25 FCA. CONGRESS FURTHER PROVIDED THAT ALL
26 CHARGES FOR COMMUNICATION SERVICES "SHALL
27 BE JUST AND REASONABLE AND ANY SUCH CHARGE,
28 PRACTICE, CLASSIFICATION, OR "REGULATION", THAT IS

1 SUBJECT OR UNREASONABLE IS HEREBY DECLARED TO
2 BE "UNLAWFUL". HENCE, BY ENACTING TITLE 11 OF THE
3 FCA, CONGRESS IS UNLAWFUL.

4 ALL CHARGES, PRACTICES, CLASSIFICATIONS
5 AND "REGULATIONS" FOR AND IN CONNECTION WITH SUCH
6 COMMUNICATIONS SERVICE, SHALL BE JUST AND
7 REASONABLE, AND ANY SUCH CHARGE, PRACTICE,
8 CLASSIFICATION, OR "REGULATION" THAT IS UNJUST
9 OR UNREASONABLE IS HEREBY DECLARED TO BE
10 "UNLAWFUL": PROVIDED, THAT COMMUNICATIONS
11 BY WIRE OR RADIO SUBJECT TO THIS ACT MAY BE
12 CLASSIFIED INTO DAY, NIGHT, REPEATED, UNREPEATED,
13 LETTER, COMMERCIAL PRESS, GOVERNMENT AND SUCH
14 OTHER CLASSES ET AL...

15 WHEREFORE, THE DEFENDANT PRAYS FOR
16 AN ORDER OF THE COURT FOR COMPLETE DISMISSAL
17 OF COUNTS I AND II OF THIS INFORMATION AND
18 GRANT SUCH FURTHER RELIEF AS THE COURTS DEEM
19 JUST AND PROPER IN THE INTEREST OF JUSTICE
20 AND IN ACCORDANCE WITH THE SUPREME LAW OF
21 THE LAND TO WIT THE UNITED STATES CONSTITUTION
22 INCLUDING ITS ARTICLES AND AMENDMENTS AND
23 MAY GOD BLESS AMERICA.

24

25

26 DATE: 01/14/2020

RESPECTFULLY SUBMITTED,

Michael J. Nissen

MICHAEL J. NISSEN

(DEFENDANT)

27

28



OFFICIAL SEAL
Stephanie Woodard

NOTARY PUBLIC-State of New Mexico

My Commission Expires

10/22/2023

Stephanie Woodard

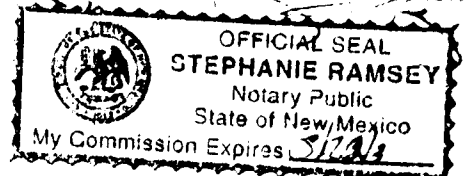
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FILED

UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

ATTORNEY OR DEFENDANT WITHOUT ATTORNEY (NAME, ADDRESS) MICHAEL J. NISSEN #02508151 P.O. BOX 3540 CORE CIVIL CORRECTIONS CENTER MILAN, NM 87021	RESERVED FOR CLERKS JAN 15 2020 MP MITCHELL R. ELFERS CLERK <i>amb</i>
UNITED STATES DISTRICT COURT ATTN: HONORABLE JAMES O' BROWNING 333 LOMAS BLVD, NW ALBUQUERQUE, NM 87102	
DEFENDANT: MICHAEL J. NISSEN 03/08/1965	
PROOF OF SERVICE BY MAIL	CASE # 1:19-cr-77-JB

- 1) I AM OVER THE AGE OF 18 AND NOT A PARTY TO THIS ACTION.
- 2) I SERVED THE FOLLOWING; MOTION FOR LEAVE TO AMEND BY ADDENDUM
- 3) I SERVED A COPY OF THE DOCUMENTS ON 01/14/2020 AS FOLLOWS
☒ BY MAIL; I SERVED THE DOCUMENTS BY ENCLOSING THEM IN AN ENVELOPE AND DEPOSITING THE SEALED ENVELOPE WITH THE UNITED STATES POSTAL SERVICE WITH THE POSTAGE FULLY PREPAID TO THE ADDRESS SHOWN BELOW:
- UNITED STATES DISTRICT COURT
ATTN: HONORABLE JAMES O' BROWNING
333 LOMAS BLVD, NW
ALBUQUERQUE, NM 87102
- 4) I AM:
☒ NOT A REGISTERED NEW MEXICO PROCESS SERVER.
- 5) MY NAME, ADDRESS, TELEPHONE NUMBER
PAUL G. CARRILLO, JR.
6503 KARLSON DR. NE
ALBUQUERQUE, N.M. 87113
- 6) I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAW



OF THE STATE OF NEW MEXICO THAT THE FOREGOING IS TRUE AND CORRECT: DATE: 01/14/2020

PAUL G. CARRILLO, JR.
(TYPE OR PRINT NAME OF PERSON WHO SERVED THE PAPERS)

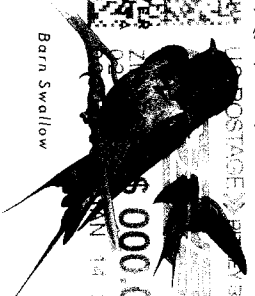
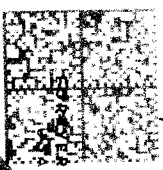
(SIGNATURE OF PERSON WHO SERVED THE PAPERS)

PROOF OF SERVICE BY MAIL

MICHAEL J. NISSEN
P.O. # 02508151
P.O. Box 3540
CIBOLA COUNTY, CONCENTRATION CAMP
MILAN, NM 87021

*Jeff -
Nissen*

ALBUQUERQUE
NM 870
14 JAN '20
PM 3 L



Barn Swallow

“FRANK”
\$ 000.00
“FRANK”

clerk of the,

UNITED STATES DISTRICT COURT

333 LOMAS BLVD, NW

RECEIVED

UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

JAN 15 2020

MITCHELL R. ELFERS
CLERK

87102-227470



*Jeff -
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